

**FILED**

AUG 28 2008

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY                      DEPUTY CLERKIN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISIONU.S. DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS**FILED**

AUG 25 2008

CLERK, U.S. DISTRICT COURT

UNITED STATES OF AMERICA

§ Magistrate Docket No. 08-MJ-302

VS.

§ Docket No. Where

§ Charge Pending: DR 94 CR 46

JOSE GUADALUPE CONTRERAS

§ Western District of Texas, Del Rio Division

**REPORT OF PROCEEDINGS UNDER RULES 5(c)(3) and 5.1  
AND ORDER ENTERED THEREON**

The defendant is charged in the above-referenced district with the offense of **FAILURE TO APPEAR**, in violation of Title 18 U.S.C. Section 3146. Having been arrested in this district on a warrant issued on that/those charge(s), he/she appeared before me for proceedings as follows:

**Rule 5(c)(3) Transfer**

- ☒ The government has produced a copy of the warrant, and
- ☒ The Court finds that the person before the Court is the defendant named in the indictment, information or warrant because:
- ☐ The defendant waived identity hearing.
- ☐ An identity hearing was conducted, and the defendant's identity was established.
- ☐ The Court finds, based on the evidence presented during an identity hearing, that the person before the Court is **NOT** the defendant named in the indictment, information or warrant.

**Rule 5.1: Preliminary Hearing**

- ☒ No preliminary hearing is necessary because the defendant is charged by indictment.
- ☐ The defendant waived a preliminary hearing.
- ☐ The defendant elected to have a preliminary hearing in the district where the prosecution is pending.
- ☐ The defendant elected to have a preliminary hearing in this district, and based on the evidence presented during the hearing, the Court finds that:
- ☐ There is probable cause to believe that the defendant committed the offense(s) charged.
- ☐ There is **NOT** probable cause to believe that the defendant committed the offense(s) charged.

**Rule 5(d)(3) Detention Hearing**

- ☐ No detention hearing is necessary because the government did not move to detain the defendant.
- ☐ The defendant waived a detention hearing.
- ☒ The defendant elected to have a detention hearing in the district where the prosecution is pending.
- ☐ The defendant elected to have a detention hearing in this district, and based on the evidence presented during the hearing, the Court finds that:
  - ☐ The defendant should be detained.
  - ☐ The defendant should be released on bond.

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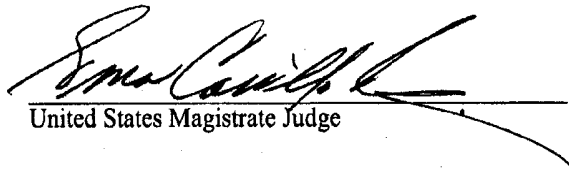
**ORDER ENTERED ON THE FOREGOING REPORT**

TO: UNITED STATES MARSHAL

- ☒ You are commanded to transfer the above-named defendant forthwith to the district in which he/she is charged and there deliver him/her to the United States Marshal for that district or to some other officer authorized to receive him/her.
- ☐ It is ORDERED that this defendant be released from custody on bond pending further proceedings.
- ☐ It is ORDERED that this defendant be discharged.

DATE: 8/25/08

(Use Other Side for Return)

  
United States Magistrate Judge

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

MAGISTRATE JUDGE IRMA C. RAMIREZ, PRESIDING

DEPUTY CLERK: LISA MARTIN

LAW CLERK:

INTERPRETER: Mike Mahler

A.M. \_\_\_\_\_ P.M. 2:00 \_\_\_\_\_

COURT REPORTER/TAPE NO: KR Digital

USPO/PTSO: \_\_\_\_\_

COURT TIME: 15 mins

DATE: August 25, 2008

☒ MAG. No. ☐ DIST. CR. No. 3:08-MJ-302

USDJ

UNITED STATES OF AMERICA

v.

JOSE GUADALUPE CONTRERAS

§  
§  
§  
§  
§Jennifer Tourje

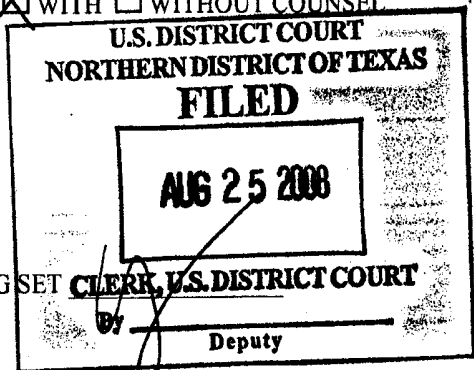
AUSA

Sam Ogan☐  
☐

Defendant(s) Name(s) and Number(s)

Counsel for Defendants Appt - (A), Retd - (R), FPD - (F)

- ☒ INITIAL APPEARANCE ☐ IDENTITY ☐ BOND HEARING ☐ PRELIMINARY HEARING
- ☐ DETENTION HEARING ☐ COUNSEL DETERMINATION HEARING ☐ REMOVAL HEARING ☐ EXTRADITION HEARING
- ☐ HEARING CONTINUED ON \_\_\_\_\_ CASE NO. \_\_\_\_\_ ☐ OTHER DISTRICT ☐ DIVISION
- ☒ DATE OF FEDERAL ARREST/CUSTODY: 8/22/08 ☐ SURRENDER \_\_\_\_\_ ☐ RULE 5/32 ☐ APPEARED ON WRIT
- ☒ DEFT FIRST APPEARANCE. DEFT ADVISED OF RIGHTS/CHARGES ☐ PROBATION/SUPERVISED RELEASE VIOLATOR
- ☒ DEFT FIRST APPEARANCE WITH COUNSEL.
- ☒ DEFT ☐ MW (MATERIAL WITNESS) \_\_\_\_\_ APPEARED ☒ WITH ☐ WITHOUT COUNSEL
- ☒ REQUESTS APPOINTED COUNSEL.
- ☒ FINANCIAL AFFIDAVIT EXECUTED.
- ☒ ORDER APPOINTING FEDERAL PUBLIC DEFENDER.
- ☐ PRIVATE COUNSEL APPOINTED \_\_\_\_\_
- ☐ DEFT HAS RETAINED COUNSEL \_\_\_\_\_
- ☐ ARRAIGNMENT SET ☐ DETENTION HEARING SET \_\_\_\_\_
- ☐ PRELIMINARY HEARING SET \_\_\_\_\_ ☐ BOND HEARING SET \_\_\_\_\_
- ☐ COUNSEL DETERMINATION HEARING SET \_\_\_\_\_
- ☐ IDENTITY/REMOVAL HEARING SET \_\_\_\_\_
- ☐ BOND ☐ SET ☐ REDUCED TO \$ \_\_\_\_\_ ☐ CASH ☐ SURETY ☐ 10% ☐ PR ☐ UNS ☐ 3RD PTY ☐ MW
- ☐ NO BOND SET AT THIS TIME, \_\_\_\_\_ DAY DETENTION ORDER TO BE ENTERED.
- ☐ ORDER OF TEMPORARY DETENTION/COMMITMENT PENDING HEARING ENTERED.
- ☐ ORDER OF DETENTION PENDING TRIAL ENTERED.
- ☐ DEFT ADVISED OF CONDITIONS OF RELEASE.
- ☐ BOND EXECUTED ☐ DEFT ☐ MW RELEASED ☐ STATE AUTHORITIES ☐ INS
- ☒ DEFT ☐ MW REMANDED TO CUSTODY.
- ☒ DEFT ORDERED REMOVED TO ORIGINATING DISTRICT.
- ☐ WAIVER OF ☐ PRELIMINARY HEARING ☒ WAIVER OF RULE 5/32 HEARING ☐ WAIVER OF DETENTION HEARING
- ☐ COURT FINDS PROBABLE CAUSE ☐ ID ☐ PC.
- ☐ DEFT FAILED TO APPEAR. ORAL ORDER FOR ISSUANCE OF BENCH WARRANT.
- ☒ GOVERNMENT TO NOTIFY FOREIGN CONSULAR.



REMARKS:

Deft reserves his right to a detention hrg in the charging district.

## UNITED STATES DISTRICT COURT

NORTHERN

DISTRICT OF

TEXAS, DALLAS DIVISION

UNITED STATES OF AMERICA

## WAIVER OF RULE 5 &amp; 5.1 HEARINGS

(Complaint/Indictment)

V.

CASE NUMBER: 3:08-MJ-302

JOSE GUADALUPE CONTRERAS

Defendant

CHARGING DISTRICTS  
CASE NUMBER: DR 94 CR 46

I understand that charges are pending in the Western District of Texas, Del Rio  
alleging violation of 18 U.S.C. 3146 and that I have been arrested in this district and  
(Title and Section)

taken before a judge, who has informed me of the charge(s) and my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges; By \_\_\_\_\_ Deputy
- (3) a preliminary hearing (unless an indictment has been returned or information filed) to determine whether there is probable cause to believe an offense has been committed by me, the hearing to be held in this district or the district of prosecution; and
- (4) Request transfer of the proceedings to this district under Rule 20, Fed. R. Crim. P., in order to plead guilty.

I HEREBY WAIVE (GIVE UP) MY RIGHT TO A(N):

( ) identity hearing

( ) preliminary hearing

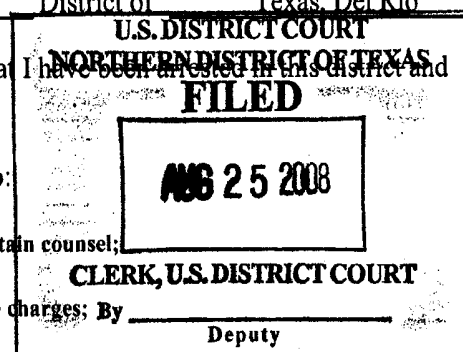
*detention hearing*

☒ identity hearing but request a preliminary hearing be held in the prosecuting district and, therefore, consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

8/25/08  
Date

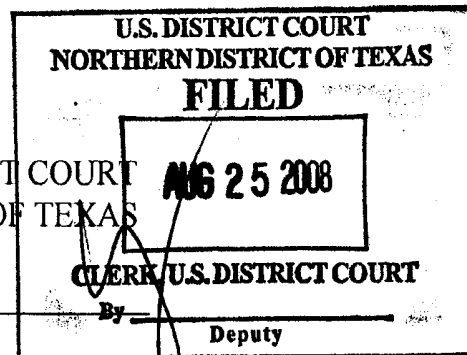
Jose G. Contreras  
Defendant

[Signature]  
Defense Counsel



ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION



UNITED STATES OF AMERICA

v.

JOSE GUADALUPE CONTRERAS

§  
§  
§  
§  
§

MAGISTRATE NO. 3:08-MJ-302

**MOTION FOR DETENTION**

The United States moves for pretrial detention of defendant, **Jose Guadalupe Contreras**, pursuant to 18 U.S.C. §3142(e) and (f).

1. Eligibility of Case. This case is eligible for a detention order because the case involves (check all that apply):

- ☐ Crime of violence (18 U.S.C. §3156);
- ☐ Maximum sentence life imprisonment or death
- ☐ 10 + year drug offense
- ☐ Felony, with two prior convictions in above categories
- ☒ Serious risk defendant will flee
- ☐ Serious risk obstruction of justice
- ☐ Felony involving a minor victim
- ☐ Felony involving a firearm, destructive device, or any other dangerous weapon

\_\_\_\_\_ Felony involving a failure to register (18 U.S.C. § 2250)

2. Reason for Detention. The Court should detain defendant because there are no conditions of release which will reasonably assure (check one or both):

☒ Defendant's appearance as required

\_\_\_\_\_ Safety of any other person and the community

3. Rebuttable Presumption. The United States will/will not invoke the rebuttable presumption against defendant because (check one or both):

\_\_\_\_\_ Probable cause to believe defendant committed 10+ year drug offense  
or firearms offense, 18 U.S.C. §924(c)

\_\_\_\_\_ Probable cause to believe defendant committed a federal crime of  
terrorism, 18 U.S.C. §2332b(g)(5)

\_\_\_\_\_ Probable cause to believe defendant committed an offense involving  
a minor, 18 U.S.C. §§1201, 2251

\_\_\_\_\_ Previous conviction for "eligible" offense committed while on  
pretrial bond

4. Time For Detention Hearing. The United States requests the Court conduct the detention hearing,

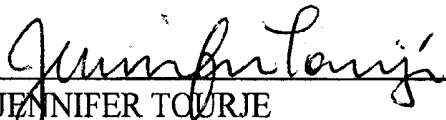
\_\_\_\_\_ At first appearance

\_\_\_\_\_ After continuance of \_\_\_\_\_ days (not more than 3).

DATED this 25th day of August, 2008.

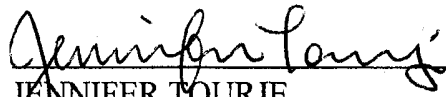
Respectfully submitted,

RICHARD B. ROPER  
UNITED STATES ATTORNEY

  
JENNIFER TOURJE  
Assistant United States Attorney  
Texas Bar No. 24010449  
1100 Commerce Street, Third Floor  
Dallas, Texas 75242  
Telephone: 214.659.8708  
Facsimile: 214.767.4100

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on counsel for the  
defendant in accordance with the Federal Rules of Criminal Procedure on this 25th  
day of August, 2008.

  
JENNIFER TOURJE  
Assistant United States Attorney

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
DEL RIO DIVISION

FILED

Jun 21 2 44 PM '94

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
V.  
  
JOSE GUADALUPE CONTRERAS  
  
Defendant.

CRIMINAL NO.:

INDICTMENT  
**DR 94 CR 46**

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
DEPUTY

[VIO: COUNT ONE: 18  
U.S.C. 3146, FAILURE TO  
APPEAR]

3:08-MJ-302

THE GRAND JURY CHARGES:

COUNT ONE  
[18 U.S.C. 3146]

On or about June 20, 1994, in the Western District of Texas,  
Defendant,

JOSE GUADALUPE CONTRERAS,

having been ordered released pending trial on \$75,000.00, 15% bond pursuant to Chapter 207, Title 18, United States Code, Section 3142, in connection with the charges of offenses under Title 21, United States Code, Sections 841(a)(1) and 846, felonies, did knowingly and willfully fail to appear as required before the United States District Court for the Del Rio Division of the Western District of Texas, in violation of Title 18, United States Code, Section 3146.

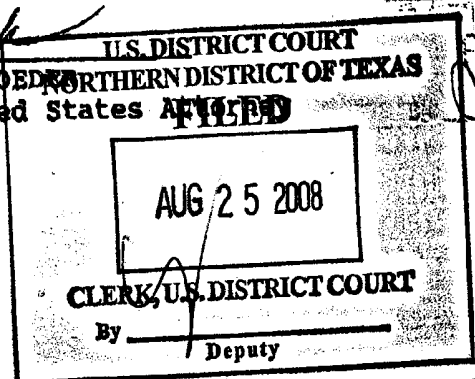
A TRUE BILL.

FOREMAN

JAMES H. DEATLEY  
United States Attorney

By:

ROBERT A. SCHROEDER  
Assistant United States Attorney



CLERK, U.S. DISTRICT COURT

Camille Anne Cadore



08/25/2008 08:56 8307033779

US MARSHALS

PAGE 03/04

FILED

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF TEXAS

DEL RIO DIVISION

JUN 21 2 44 PM '94

CLERK OF DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY CKZ  
DEPUTY

UNITED STATES OF AMERICA,

Plaintiff,

V.

JOSE GUADALUPE CONTRERAS,

Defendant.

CRIMINAL NO.: ~~DR 94 CR 27(2)~~

**DR 94 CR 46**

ORDER FOR BENCH WARRANT  
AND SETTING AMOUNT OF BAIL

It appearing to the Court that an indictment has been returned against the below listed defendant, it is hereby ORDERED that warrant issue for the arrest of said defendant, and bail is hereby fixed in the amount shown below, returnable instantar to the Del Rio Division of this Court, such bail to be taken by any United States Magistrate.

Defendant

Amount of Bail

JOSE GUADALUPE CONTRERAS

DETENTION

ENTERED at Del Rio, Texas, this 21st day of June, 1994.

D Edwards  
~~DEPUTY~~  
UNITED STATES DISTRICT JUDGE  
Mag.

A true copy of the original, I certify.

Clerk, U. S. District Court

By Camille Anna Cadena  
Deputy

AO 442 (Rev. 12/89) Warrant for Arrest

# United States District Court

WESTERN

DISTRICT OF

TEXAS

UNITED STATES OF AMERICA  
V.

WARRANT FOR ARREST

JOSE GUADALUPE CONTRERAS

CASE NUMBER: **DR 94 CR 46**

To: The United States Marshal  
and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest JOSE GUADALUPE CONTRERAS  
Name

and bring him or her forthwith to the nearest magistrate to answer a(n)

☒ Indictment ☐ Information ☐ Complaint ☐ Order of court ☐ Violation Notice ☐ Probation Violation Petition

charging him or her with (print description of offense)

## FAILURE TO APPEAR

in violation of Title 18 United States Code, Section(s) 3146

Cassille Anne Cadena  
Name of Issuing Officer

Cassille Anne Cadena  
Signature of Issuing Officer

Deputy Clerk, U. S. District Clerk's Office  
Title of Issuing Officer

June 21, 1994 - Del Rio, Texas  
Date and Location true copy of the original, I certify.

Clerk, U. S. District Court

By: Cassille Anne Cadena  
Deputy

Bail fixed at \$ DETENTION by U. S. Magistrate Judge Durwood Edwards  
Name of Judicial Officer

RETURN		
This warrant was received and executed with the arrest of the above-named defendant at _____		
DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER
DATE OF ARREST		

CLOSED

**U.S. District Court  
Northern District of Texas (Dallas)  
CRIMINAL DOCKET FOR CASE #: 3:08-mj-00302-BH All Defendants  
Internal Use Only**

Case title: USA v. Contreras

Date Filed: 08/25/2008

Other court case number: DR 94 CR 46 Western District of  
Texas, Del Rio

Date Terminated: 08/25/2008

Assigned to: Magistrate Judge Irma C  
Ramirez

**Defendant (1)****Jose Guadalupe Contreras***TERMINATED: 08/25/2008*represented by **Sam Ogan**

Federal Public Defender - Dallas

525 Griffin St

Suite 629

Dallas, TX 75202

214/767-2746

Fax: 214/767-2886 FAX

Email: sam\_ogan@fd.org

**LEAD ATTORNEY****ATTORNEY TO BE NOTICED***Designation: Public Defender or**Community Defender Appointment***Pending Counts**

None

**Disposition****Highest Offense Level (Opening)**

None

**Terminated Counts**

None

**Disposition****Highest Offense Level (Terminated)**

None

Certified a true copy of an instrument  
on file in my office on 8-26-08

Clerk, U.S. District Court,  
Northern District of Texas

By [Signature] Deputy

**Complaints**

Indictment filed in the Western District  
of Texas, Del Rio, DR 94 CR 46  
charging defendant with Title 18 U.S.C  
Section 3146

**Disposition****Plaintiff**

USA

represented by **Jennifer Tourje**  
US Attorney's Office  
1100 Commerce St  
Third Floor  
Dallas, TX 75242  
2214/659-8600  
Fax: 214/767-4100  
Email: jennifer.tourje@usdoj.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Retained*

Date Filed	#	Docket Text
08/22/2008		Arrest of Jose Guadalupe Contreras (Imm) (Entered: 08/26/2008)
08/25/2008	<u>1</u>	Charging document filed in the Western District of Texas, Del Rio, Case #94 CR 46 as to Jose Guadalupe Contreras. (Imm) (Entered: 08/26/2008)
08/25/2008	<u>2</u>	Minute Entry for proceedings held before Magistrate Judge Irma C Ramirez: Initial Appearance as to Jose Guadalupe Contreras held on 8/25/08. Defendant reserves his right to a detention hearing in the charging district. Attorney Appearances: AUSA - Jennifer Tourje; Defense - Sam Ogan. Interpreter Mike Mahler (FTR Digital) Time in Court: 15 minutes. (Imm) (Entered: 08/26/2008)
08/25/2008	<u>3</u>	***CJA 23 Financial Affidavit by Jose Guadalupe Contreras (Imm) (Entered: 08/26/2008)
08/25/2008	<u>4</u>	ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Jose Guadalupe Contreras. Sam Ogan for Jose Guadalupe Contreras appointed. (Signed by Magistrate Judge Irma C Ramirez on 8/25/08) (Imm) (Entered: 08/26/2008)
08/25/2008	<u>5</u>	Motion for pretrial detention filed by USA as to Jose Guadalupe Contreras (Imm) (Entered: 08/26/2008)
08/25/2008	<u>6</u>	WAIVER of Rule 5 & 5.1 Hearings by Jose Guadalupe Contreras (Imm) (Entered: 08/26/2008)

08/25/2008	<u>7</u>	COMMITMENT TO ANOTHER DISTRICT as to Jose Guadalupe Contreras. Defendant committed to Western District of Texas, Del Rio. The defendant is ordered removed forthwith to the district in which he is charged. (Signed by Magistrate Judge Irma C Ramirez on 8/25/08) (lmm) (Entered: 08/26/2008)
08/25/2008		(Court only) ***Terminated defendant Jose Guadalupe Contreras, pending deadlines, and motions. (lmm) (Entered: 08/26/2008)
08/26/2008		(Court only) Certified copy of docket report mailed to the Western District of Texas, Del Rio as to Jose Guadalupe Contreras. (lmm) (Entered: 08/26/2008)

RECEIVED

AUG 28 2008

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY Karen Mitchell CLERK

Clerk of Court

**United States District Court  
Northern District of Texas**

1100 Commerce St., Rm., 1452  
Dallas, Texas 75242

August 26, 2008

United States District Court  
111 East Broadway, Room L100  
Del Rio, TX 78840

RE: USA vs. Jose Guadalupe Contreras  
Our File Number: 3-08-MJ-302  
Your File Number: DR 94 CR 46

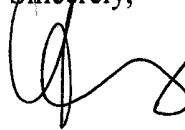
Dear Clerk:

The above charge originated in your district. The defendant appeared before United States Magistrate Judge Irma C. Ramirez in the Northern District of Texas, Dallas Division on August 25, 2008 for an initial appearance. Enclosed is a certified copy of the docket report.

You may access electronically filed documents at our CM/ECF web address: <http://ecf.txnd.circ5.dcn>. If you don't have a login and password, a guest login and password may be found on our website at: [http://ntnet.txnd.circ5.dcn/pdf/irc/guest\\_login.pdf](http://ntnet.txnd.circ5.dcn/pdf/irc/guest_login.pdf).

If you should have any questions, please do not hesitate to contact me at (214) 753-2167.

Sincerely,



Lisa Martin  
Courtroom Deputy for  
U.S. Magistrate Judge Irma C. Ramirez

Enc.